

MONTANA LEGISLATIVE HISTORY

Chapter 293 19 25

Bill H _____ S 4

Original bill & history ☒ C

H. Committee on Judiciary

Hearing Date(s) Mar 12 ☒ C

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_____ C

Date Out Mar 12 ☒ C

S. Committee on Judiciary

Hearing Date(s) Jan 10 ☒ C

Jan 12 ☒ C

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Jan 12 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1 SENATE BILL NO. 4
2 INTRODUCED BY ROSELL
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE LAWS
5 RELATING TO HUSBANDS AND WIVES IN REGARD TO THEIR MUTUAL
6 OBLIGATIONS OF SUPPORT, CONTROL OF THEIR INDIVIDUAL PROPERTY
7 AND THEIR ABILITY TO ACT AS INDIVIDUALS, IN ORDER TO
8 ELIMINATE SEXUAL DISCRIMINATION IN SUCH LAWS; AMENDING
9 SECTIONS 5-106, 16-2902, 16-2905, 36-103, 36-110 THROUGH
10 36-120, 36-127 THROUGH 36-130, 61-104, AND 61-117, R.C.M.
11 1947; CREATING A NEW SECTION 36-118.1, R.C.M. 1947; AND
12 REPEALING SECTIONS 36-102 AND 36-121, R.C.M. 1947."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 36-103, R.C.M. 1947, is amended to
16 read as follows:
17 "36-103. Duties of husband to wife as to support. ~~The~~
18 ~~husband-must-support-himself-and-wife-out-of-his-property-or~~
19 ~~by--his-labor---if-he-is-unable-to-do-so-she-must-assist-him~~
20 ~~as-far-as-she-is-able.~~ Insofar as each is able, the husband
21 and wife shall support each other out of their property and
22 labor. As used in this section, the word "support" includes
23 the non-monetary support provided by a spouse as homemaker."
24 Section 2. Section 36-110, R.C.M. 1947, is amended to
25 read as follows:

1 "36-110. Married ~~women~~ person may prosecute actions. A
2 married ~~women~~ person in her his own name may prosecute
3 action for injuries to her his reputation, person, property,
4 and character, or for the enforcement of any legal or
5 equitable right, and may in like manner defend any action
6 brought against herself himself."
7 Section 3. Section 36-111, R.C.M. 1947, is amended to
8 read as follows:
9 "36-111. Separate Individual property of ~~wife~~ married
10 person. All the property of ~~the-wife~~ a married person owned
11 before her marriage and that acquired afterwards is her
12 separate his individual property. The ~~wife~~ married person
13 may, without consent, agreement and signature of her-husband
14 his spouse, convey and transfer her-separate his individual
15 property, real or personal, including the fee simple title
16 to real property or execute a power of attorney for the
17 conveyance and transfer thereof."
18 Section 4. Section 36-112, R.C.M. 1947, is amended to
19 read as follows:
20 "36-112. Inventory of separate individual personal
21 property of ~~wife~~ married person. ~~A--full--and--complete~~
22 ~~inventory--of-the-separate-personal-property-of-the-wife-may~~
23 ~~be-made-out-and-signed-by-her--acknowledged-or-proved-in-the~~
24 ~~same-manner-required-by-law-for-the-acknowledgment-or--proof~~
25 ~~of--a--grant--of--real--property--by-an-unmarried-woman--and~~

INTRODUCED BILL

1 ~~recorded in the office of the county clerk of the county in~~
 2 ~~which the parties reside.~~ A married person's title to and
 3 ownership of his individual property may be proved or
 4 demonstrated in the same manner that a single person's
 5 ownership of or title to his individual property may be
 6 proved. Provided, however, that if a married person
 7 chooses, he may make out and sign an inventory of his
 8 individual personal property, which inventory shall be
 9 acknowledged or proved in the same manner required by law
 10 for the acknowledgment or proof of a grant of real property,
 11 and recorded in the office of the county clerk of the county
 12 in which the person lives."

13 Section 5. Section 36-113, R.C.M. 1947, is amended to
 14 read as follows:

15 "36-113. Effect of filing inventory. The filing of the
 16 inventory in the clerk's office is notice and prima facie
 17 evidence of the title of the wife person so filing."

18 Section 6. Section 36-114, R.C.M. 1947, is amended to
 19 read as follows:

20 "36-114. Earnings and accumulations of wife married
 21 person. The earnings and accumulations of the-wife a married
 22 person are not liable for the debts of the-husband that
 23 person's spouse except for debts incurred for necessary
 24 articles procured for the use and benefit of the married
 25 person, his spouse, or minor children."

1 Section 7. Section 36-115, R.C.M. 1947, is amended to
 2 read as follows:

3 "36-115. Same, when separated. The earnings and
 4 accumulations of the-wife a married person, and of her his
 5 minor children living with her him or in her his custody,
 6 while she he is living separate from her-husband his spouse,
 7 are the separate individual property of the--wife such
 8 person. Except that, to the extent that a mutual duty of
 9 support between the husband and wife as established by
 10 section 36-103 still exists, such earnings and accumulations
 11 are liable for debts incurred for necessary articles
 12 procured for the use and benefit of the married person, his
 13 spouse or minor children."

14 Section 8. Section 36-116, R.C.M. 1947, is amended to
 15 read as follows:

16 "36-116. Work and labor of wife married person. All
 17 work and labor performed by a married woman person for a
 18 person other than her-husband his spouse and children shall,
 19 unless there is a written agreement on her his part to the
 20 contrary, be presumed to be performed on her his separate
 21 account. This section does not affect the liability of
 22 earnings for debts incurred for necessary articles procured
 23 for the use and benefit of the married person, his spouse,
 24 or minor children, as established by sections 36-114,
 25 36-115, 36-118, and 36-118.1."

1 Section 9. Section 36-117, R.C.M. 1947, is amended to
2 read as follows:

3 "36-117. Debts of wife spouse contracted before
4 marriage. The property of the husband a married person is
5 not liable for the debts of the wife person's spouse
6 contracted before marriage."

7 Section 10. Section 36-118, R.C.M. 1947, is amended to
8 read as follows:

9 "36-118. Separate Individual property of wife married
10 person -- how far liable. The separate property of the wife
11 shall be exempt from all debts and liabilities of the
12 husband, unless for necessary articles procured for the use
13 and benefit of herself and her children under the age of
14 eighteen years, but such exemption shall extend only to such
15 property of such wife as shall be mentioned in an inventory
16 thereof, as provided in sections 36-112 and 36-113. And in
17 no case shall any of the separate property of the wife be
18 liable for the debts of the husband, unless such property is
19 in the sole and exclusive possession of the husband, and
20 then only to such persons as dealt with the husband in good
21 faith on the credit of such property, without knowledge or
22 notice that the property belongs to the wife. But the
23 separate property of the wife is liable for her own debts,
24 contracted before or after marriage. Individual property of
25 a married person listed in an inventory as provided in

1 sections 36-112 and 36-113, R.C.M. 1947, or otherwise proved
2 to be the individual property of the married person is
3 exempt from all debts and liabilities of that person's
4 spouse, except:

5 (1) when the debt or liability is for necessary
6 articles procured for the use and benefit of the married
7 person, the spouse, or minor children; or

8 (2) when the property is in the sole and exclusive
9 possession of the spouse and the creditors have dealt with
10 the spouse in good faith on the credit of the individual
11 property without knowledge that the property does not belong
12 to the spouse."

13 Section 11. There is a new R.C.M. section numbered
14 36-118.1 that reads as follows:

15 36-118.1. Necessity determined by standard of living.
16 For purposes of determining whether a married person's
17 earnings or individual property are exempt from the debts
18 incurred by the person's spouse, the phrase "necessary
19 articles" includes all such goods and services as are
20 reasonably required to provide for the health, welfare,
21 comfort, and education of the married person, his spouse,
22 and minor children taking into consideration the earnings,
23 resources, and general standard of living of such persons.

24 Section 12. Section 36-119, R.C.M. 1947, is amended to
25 read as follows:

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"36-119. Support of wife spouse. If ~~the--husband~~ a married person who is financially able ~~neglect~~ neglects to make adequate provision for the financial support of his wife spouse, except in the cases mentioned in the next section, any other person may in good faith supply ~~her~~ the spouse with articles necessary for ~~her~~ support and recover the reasonable value thereof from ~~her--husband~~ the married person who has failed to provide such support."

Section 13. Section 36-120, R.C.M. 1947, is amended to read as follows:

"36-120. Husband Married person not liable when abandoned by wife spouse. A husband married person abandoned by his wife spouse is not liable for ~~her~~ the spouse's support until ~~she~~ the spouse offers to return, unless ~~she~~ the spouse was justified, by ~~his~~ the person's misconduct, in abandoning him; nor is he a married person liable for ~~her~~ support ~~when-she~~ of a spouse who is living separate from him by agreement, unless such support is stipulated in the agreement."

Section 14. Section 36-127, R.C.M. 1947, is amended to read as follows:

"36-127. Married woman person may act as ~~executrix~~ personal representative, guardian, conservator, or trustee. A married woman person may be ~~an-executrix--administratrix~~ a personal representative, guardian, conservator, or trustee,

and may bind ~~herself~~ himself and the estate ~~she~~ he represents without any act or assent on the part of ~~her~~ husband the person's spouse."

Section 15. Section 36-128, R.C.M. 1947, is amended to read as follows:

"36-128. May sue and be sued. A married woman person may sue and be sued in the same manner as if ~~she~~ he were sole."

Section 16. Section 36-129, R.C.M. 1947, is amended to read as follows:

"36-129. Liable for ~~her~~ own contracts. The contracts made by a married woman person, in respect to ~~her-separate~~ his individual property, labor, or services, shall not be binding upon ~~her-husband~~ the person's spouse, nor render him nor his property liable therefor; but ~~she~~ the contracting person and ~~her-separate~~ that person's individual property shall be liable on such contracts in the same manner as if ~~she~~ such person were sole."

Section 17. Section 36-130, R.C.M. 1947, is amended to read as follows:

"36-130. May make contracts. A married woman person may make contracts, oral or written, sealed or unsealed, and may waive or relinquish any right or interest in any real estate, either in person or by attorney, in the same manner, to the same extent, and with the like effect as if ~~she~~ such

1 person were a-single-woman sole."

2 Section 18. Section 5-106, R.C.M. 1947, is amended to
3 read as follows:

4 "5-106. Trust company defined--purposes for which may
5 be formed. The term "Trust Company," when used in this act,
6 means any corporation which is incorporated under the laws
7 of this state for any one or more of the following purposes:

8 1. To receive moneys in trust, and to accumulate the
9 same at such rates of interest as may be obtained or agreed
10 upon, or to allow such interest thereon as may be agreed
11 upon.

12 2. To accept and execute all such trusts and perform
13 such duties of every description as may be committed to them
14 by any person or persons whatsoever, or by any corporations,
15 or may be committed or transferred to them by order of any
16 of the courts of record of this state, or any other state,
17 or of the United States.

18 3. To take and accept by grant, assignment, transfer,
19 devise, or bequest, and hold any real or personal estate or
20 trust created in accordance with the laws of this state, or
21 any other state, or of the United States, and execute such
22 legal trusts in regard to the same on such terms as may be
23 declared, established, or agreed upon in regard thereto.

24 4. To act as agent for the investment of money for
25 other persons or corporations, and as agents for persons and

1 corporations for the purpose of issuing, registering,
2 transferring, or countersigning the certificates of stock,
3 bonds, or other evidence of debt of any corporation,
4 association, municipality, state, or public authority as may
5 be agreed upon.

6 5. To accept from and execute trusts for married ~~women~~
7 persons in respect to their separate individual property,
8 whether real or personal, and act as agents for them in the
9 management of such property, and generally to have and
10 exercise such powers as are usually had and exercised by
11 trust companies.

12 6. To act as trustee, assignee, or receiver in all
13 cases where it shall be lawful for any court of record,
14 officer, corporation, or person to appoint a trustee,
15 assignee, or receiver, and to be appointed a trustee,
16 assignee, or receiver, and to be appointed, commissioned,
17 and act as administrator of any estate, executor of any last
18 will and testament of any deceased person, and as guardian
19 of the person and estate of any minor or minors, or of the
20 estate of any lunatic, imbecile, spendthrift, habitual
21 drunkard, or other persons disqualified or unable to manage
22 their estates.

23 7. To loan money upon unencumbered real estate,
24 collateral, or personal security, and execute and issue its
25 notes, debentures, payable at a future date, and to pledge

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1 its mortgages upon real estate and other securities as
2 security therefor.

3 8. To buy and sell government, state, county,
4 municipal, and other bonds, and all kinds of negotiable,
5 nonnegotiable, and commercial paper, stocks, and other
6 investment securities, buy and sell gold and silver bullion,
7 foreign coins, bills of exchange, and foreign and domestic
8 exchange.

9 9. To accept, receive, and hold money on deposit,
10 payable either on time or on demand, with or without
11 interest, as may be agreed upon with the depositors, and to
12 take and receive from any individual or corporation on
13 deposit for safekeeping and storage, gold and silver plate,
14 jewelry, stocks, and securities, and other valuable and
15 personal property, and to collect coupons, interest, and
16 dividends on said above described securities, and to rent
17 out the use of safes and other receptacles on their premises
18 upon such terms and for such compensation as may be agreed
19 upon."

20 Section 19. Section 16-2902, R.C.M. 1947, is amended
21 to read as follows:

22 "16-2902. What to be recorded. He must, upon payment
23 of his fees for the same, record, or photograph, or
24 correctly copy, separately, in large and well-bound, or to
25 be bound, separate books, either in a fair hand or by

1 printing or by typewriting, or by photographic process, or
2 by the use of prepared blank forms:

3 1. Deeds, grants, transfers, contracts to sell or
4 convey real estate and mortgages of real estate, releases of
5 mortgages, powers of attorney to convey real estate, and
6 leases which have been acknowledged or proved, and abstracts
7 of such instruments which have been acknowledged or proved;

8 2. Certificates of births and deaths;

9 3. Wills devising real estate admitted to probate;

10 4. Official bonds;

11 5. Transcripts of judgments which by law are made
12 liens upon real estate;

13 6. Instruments describing or relating to the separate
14 individual property of married women persons, and sole
15 trader judgments;

16 7. All orders and decrees made by the district court
17 in probate matters affecting real estate which are required
18 to be recorded;

19 8. Notice of pre-emption claims;

20 9. Notice and declaration of water rights;

21 10. Assignments for the benefit of creditors;

22 11. Affidavits of annual work done on mining claims;

23 12. Notices of mining locations and declaratory
24 statement;

25 13. Estrays and lost property;

14. A book containing appraisement of state lands;

15. Such other writings as are required or permitted by law to be recorded; provided, nothing herein shall be construed as preventing the recording or photographing or copying of such instruments, separately, upon a single or loose page or pages of a book, if such page or pages shall immediately become a part of such book or volume, which, when completed, shall be firmly bound and the pages thereof securely locked or sealed into the volume.

Whenever the laws of the state of Montana require or permit any instrument to be recorded, such recording may be made in the manner or by any of the processes hereinbefore prescribed."

Section 20. Section 16-2905, R.C.M. 1947, is amended to read as follows:

"16-2905. Indexes to be kept. Every county clerk, as ex officio recorder, must keep:

1. An index of deeds, grants, and transfers, and contracts to sell or convey real estate, labeled "Grantors," each page divided into four columns, headed respectively: "Names of grantors," "Names of grantees," "Date of deeds, grants, transfers, or contracts," and "Where recorded";

2. An index of deeds, labeled "Grantees," each page divided into four columns, headed respectively: "Names of grantees," "Names of grantors," "Date of deeds, grants,

transfers, or contracts," and "Where recorded";

3. An index of mortgages, labeled "Mortgages of real property," with the pages thereof divided into six columns, headed respectively: "Names of mortgagor," "Names of mortgagees," "Dates of mortgages," "Where recorded," "When filed," "When canceled";

4. An index of mortgages, labeled "Mortgages of real property," with the pages thereof divided into six columns, headed respectively: "Names of mortgagees," "Names of mortgagors," "Date of mortgage," "Where recorded," "When filed," "When canceled";

5. An index of mortgages, labeled "Releases of mortgages of real property--Mortgagees," with the pages thereof divided into six columns, headed respectively: "Parties whose mortgages are released," "Parties releasing," "Date of release," "Where recorded," "Date of mortgages released," "Where mortgages released are recorded."

6. An index of powers of attorney, labeled "Powers of attorney," each page divided into five columns, headed respectively: "Names of parties executing powers," "To whom powers are executed," "Date of powers," "Date of recording," "To whom powers are executed";

7. An index of leases, labeled "Leases," each page divided into four columns, headed respectively: "Names of lessors," "Names of lessees," "Date of leases," "When and

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1 where recorded";

2 8. An index of leases, labeled "Lessees," each page
3 divided into four columns respectively: "Names of lessees,"
4 "Names of lessors," "Date of leases," "When and where
5 recorded";

6 9. An index of marriage certificates, labeled
7 "Marriage certificate--Men," each page divided into six
8 columns, headed respectively: "Men married," "To whom
9 married," "When married," "By whom married," "Where
10 married," "Where certificates are recorded";

11 10. An index of marriage certificates, labeled
12 "Marriage certificates -- Women," each page divided into six
13 columns, headed respectively: "Women married," (and under
14 this head placing the family names of the women), "To whom
15 married," "When married," "By whom married," "Where
16 married," "Where certificates are recorded";

17 11. An index of assignments of mortgages and leases,
18 labeled "Assignments of mortgages and leases--Assignors,"
19 each page divided into five columns, headed respectively:
20 "Assignors," "Assignees," "Instruments assigned," "Date of
21 assignment," "When and where recorded";

22 12. An index of assignments of mortgages and leases,
23 labeled "Assignments of mortgages and leases--Assignees,"
24 each page divided into five columns, headed respectively:
25 "Assignees," "Assignors," "Instruments," "Date of

1 assignments," "When and where recorded";

2 13. An index of wills, labeled "Wills," each page
3 divided into four columns, headed respectively: "Names of
4 testators," "Date of wills," "Date of probate," "When and
5 where recorded";

6 14. An index of official bonds, labeled "Official
7 bonds," each page divided into five columns, headed
8 respectively: "Names of officers," "Names of offices," "Date
9 of bonds," "Amount of bonds," "When and where recorded";

10 15. An index of notices of mechanics' liens, labeled
11 "Mechanics' liens," each page divided into three columns,
12 headed respectively: "Parties claiming liens," "Against whom
13 claimed," "Notices, when filed";

14 16. An index to transcripts of judgments, labeled
15 "Transcripts of judgments," each page divided into seven
16 columns, headed respectively: "Judgment debtors," "Judgment
17 creditors," "Amount of judgments," "Where recovered," "When
18 recovered," "When transcript filed," "When judgment
19 satisfied";

20 17. An index of attachments, labeled "Attachments,"
21 each page divided into six columns, headed respectively:
22 "Parties against whom attachments are issued," "Parties
23 issuing attachments," "Notices of attachments," "When
24 filed," "When attachments discharged";

25 18. An index of notices of the pendency of actions,"

1 labeled "Notices of actions," each page divided into three
2 columns, headed respectively: "Parties to actions,"
3 "Notices, when recorded," "When filed";

4 19. An index of certificates of sale of real estate
5 sold under execution or under orders made in any judicial
6 proceedings, labeled "Certificates of sale," each page
7 divided into four columns, headed respectively: "Plaintiff,"
8 "Defendant," "Purchaser at sale," "Date of sale";

9 20. An index of the separate individual property of
10 married women persons and sole trader judgments labeled
11 "separate individual property of married women persons and
12 sole traders," each page divided into five columns, headed
13 respectively: "Names of married women persons," "Names of
14 their husbands spouses," "Nature of instruments recorded,"
15 "When recorded," "Where recorded";

16 21. An index to affidavits for annual work done on
17 mining claims, showing the name of the affiant, the name of
18 the claim, where situated, and the year when the work was
19 done, labeled "Annual work on mining claims";

20 22. An index of mining claims and declaratory
21 statements, labeled "Notices of location of mining claims
22 and declaratory statements," each page divided into four
23 columns, headed respectively: "Locators," "Name of claim,"
24 "Notice, when filed," "Where recorded";

25 23. An index to the register of births and deaths;

1 24. An index to notices and declarations of water
2 rights;

3 25. An index to the "Estray and lost property book";

4 26. An index to the record of assignments for the
5 benefit of creditors, containing names of assignor and
6 assignee, date and where recorded, and inventory when filed;

7 27. An index to financing statements as provided in
8 Part 4 of the Uniform Commercial Code--Secured Transactions.

9 28. A miscellaneous index, in which must be indexed
10 papers not hereinbefore stated."

11 Section 21. Section 61-104, R.C.M. 1947, is amended to
12 read as follows:

13 "61-104. Obligations of parents for the support and
14 education of their children. The parent or parents entitled
15 to the custody of a child must give him support and
16 education suitable to his circumstances. ~~if-the-support-and~~
17 ~~education-which-the-father-of-a-legitimate-child-is-able--to~~
18 ~~give--are--inadequate,--the--mother--must--assist-him-to-the~~
19 ~~extent-of-her-ability."~~

20 Section 22. Section 61-117, R.C.M. 1947, is amended to
21 read as follows:

22 "61-117. Husband Married person not bound for the
23 support of his wife's spouse's children by a former
24 marriage. A husband married person is not bound to support
25 his wife's spouse's children by a former husband marriage;

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1 but if he receives them into his family and supports them,
2 it is presumed that he does so as a parent, and, where such
3 is the case, they are not liable to him for their support,
4 nor he to them for their services."

5 Section 23. Sections 36-102 and 36-121, R.C.M. 1947,
6 are repealed.

-End-

MINUTES OF THE MEETING

JUDICIARY COMMITTEE

January 10, 1975

Meeting was called to order by Senator Towe, chairman, at 9:35 in Room 442 of the Capitol Building.

Following bills were heard:

SB 2

SB 4

-Senator Rosell, from District 32 and sponsor of the bill, stated that the bill was the result of the Interim Committee on implementing the Equal Rights Amendment. The bill makes the necessary amendments to do away with discriminatory language. She stated that §62 re-defines the meaning of "man" and "men" to include women.

Rosemary Zion, testifying on behalf of the bill, stated that the Legislative Council took the odds and ends of the Statute Book and put them all into one bill to remove the discriminatory language. She stated that pension benefits would be made equally available to both spouses. She also stated that the bill dealt with non-discriminatory practices in political committees by requiring that both sexes be represented in the leadership of the committees. The bill also removes the discriminatory language concerning nomination of candidates. She also stated that the bill would be effective July 1, 1975, if passed, to conform with the Uniform Probate Code.

Lynne W. Scott, representing Montana Women's Political Caucus, expressed the group's support of the bill.

Margaret S. Davis, representing the Montana League of Women Voters, expressed that group's support of the bill and presented her written testimony (attached).

WITHOUT OBJECTION, THE CHAIR WAS REQUESTED TO OBTAIN A FISCAL NOTE. THE COMMITTEE WITHHELD ACTION ON THIS BILL AWAITING A FISCAL NOTE. ACTION WILL BE TAKEN BY JANUARY 17, 1975.

--Senator Rosell, from District 32 and sponsor of the bill, stated that the bill would change the laws regarding property and support in a marriage.

Rosemary Zion, testifying on behalf of the bill, stated that under this bill both spouses would have an obligation to support the other. Also, the work of a homemaker would constitute support under this bill. The parties to the marriage would be able to keep their property separate except that necessary for the necessities of the family. Therefore, each spouse's property would not be attachable for debts incurred by the other spouse for non-necessities of the family.

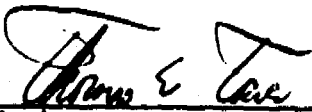
Mrs. Davis and Mrs. Scott again stated their organizations' support of this bill. Mrs. Scott also presented her written testimony (attached).

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Deirdre Boggs, representing the Women's Law Caucus, U of M Law School, expressed that group's support of the bill.

THE COMMITTEE WITHHELD ACTION ON THIS BILL. ACTION WILL BE TAKEN BY January 17, 1975.

e being no further business the meeting adjourned.


Chairman

more in support of Bill
Scott, Helena Loren's Public Counsel

My testimony in support of Bill is given from the point of view of a wife and
a man who cannot support himself financially. As a result of this bill my
financial situation, I had to go to the bank for my self support I went to accept
my responsibility for my husband's support. I don't think I did.

Having reached that decision, I revised the bill to see if its provisions
were fair and reasonable. It seems to me that they are.

Some of the provisions changed from the present law are not substantive. I
think that those which are in conformance with the instructions given to the
subcommittee in H.R. 100 and S.R. 100 to preserve the essential features of the
while eliminating discriminatory provisions. They should be passed for the
following reasons:

1. Removal of section 34-108. It is obviously discriminatory to have a law
which makes the husband the head of the family.

2. Section 1, 34-108. The wife should in fairness, and in conformity with
the State Constitution, assume equal responsibility for support as well as
her husband.

This requirement could have an undesirable social impact if it forced the
wife to find and work outside the home. However, the bill specifies that
support include the wife's own support provided by a spouse as homemaker."

3. Section 3...8, 34-111. . .36-116. A wife has been allowed by law to keep
earnings and accumulations free from the debts of her husband (except for
necessaries for the use and benefit of the family). The above amendments
delete the above rights to the husband. This seems fair.

4. Section 10, 34-110. Creditors who have dealt in good faith with either
or are protected from non-payment by 34-110 (2) which obligates individual
payment of debts to such creditors. This seems to me to be
in accordance with the intent of the present law.

5. Section 1, 34-110. Section 1, 34-110. These provisions relate to actual
necessaries. If a creditor can recover the cost of necessary articles from
a husband who is financially able to support his wife but doesn't, the same
action should apply to a wife who could support her husband but doesn't.
Still, if a husband is liable for support of a wife who has
no means, and a wife is liable for support of a husband who has
no means.

**MINUTES OF THE MEETING
JUDICIARY COMMITTEE
JANUARY 17, 1975**

ting was called to order by Senator Towe, Chairman at 9:40 a.m., 442 of the Capitol Building.

mittee discussed the following bills: SB 27
 SB 5
 SB 4
 SB 2

- Senator Murphy, from District 40 and sponsor of the bill, stated the bill simply raises the amount of inheritance tax exemption to \$60,000 applying it to all immediate family members. The intent of the bill is to bring exemption amounts in line with inflated property values of the past few years. Small businessmen, farmers and ranchers will derive primary benefit from the bill. The approximate cost to the state will be \$1.2 million a year.

Clyde Jarvis, President, Montana Farmers Union, spoke in support of the bill and presented his written testimony (attached).

Mark E. Taliaferro, representing the Montana Farm Bureau, expressed total support of the bill by that group.

Spike Van Cleve, representing the Sweet Grass County Preservation Association, expressed support of the bill by that association. He stated that the increased exemption will help keep young ranch and farm people in agriculture and will help avoid the trend of subdividing agricultural lands.

Mrs. Sandy Sargent, representing the Environmental Information Center, presented her written testimony to the Committee (attached).

Senator Murphy stated that the inheritance exemption will be of great benefit to farmers and ranchers because inflation has increased property values immensely while profit margins have not increased to any degree.

- AFTER DISCUSSION, THE COMMITTEE VOTED TO ASSIGN SB 4 AND SB 5 TO A SUB-COMMITTEE FOR FURTHER STUDY. SENATOR TOWE APPOINTED SENATOR WARDEN, SENATOR BROWN, AND SENATOR GREELY TO THE SUB-COMMITTEE. SENATOR GREELY WAS APPOINTED CHAIRMAN.
- SENATOR TURNAGE MOVED THE ADOPTION OF THE FOLLOWING AMENDMENT TO THE BILL: TO AMEND PAGE 16, SECTION 8, SUB-SECTION (3), LINE 18 FOLLOWING THE WORD "HIM" INSERTING THE FIGURE AND WORD "/HER"; AND FURTHER AMEND PAGE 16, SECTION 8, SUB-SECTION (3), LINE 19 BY STRIKING THE WORD "MAN" AND INSERTING IN LIEU THEREOF THE WORD "PERSON".

of the Meeting

a marriage certificate form to a party aged sixteen (16) or seventeen (17) years who has no parent capable of consenting to his marriage, or has the consent of both parents to his marriage, or of capable of giving consent, or of his guardian. The court may require both parties to participate in a reasonable period of marriage counseling with a designated counselor as a condition of the order for issuance of a marriage certificate form under this section."

SENATOR GREELY MOVED TO AMEND THE AMENDMENT FOLLOWING "PARENTS" TO READ "OR THE PARENT HAVING ACTUAL CARE, CUSTODY, AND CONTROL" AND INSERTING IN THE LAST LINE FOLLOWING "MARRIAGE", THE WORDS "LICENSE AND A MARRIAGE". THE MOTION CARRIED ON A ROLL CALL VOTE WITH SENATORS ROBERTS AND WARDEN VOTING NO.

SENATOR GREELY MOVED THE ADOPTION OF THE AMENDMENT AS AMENDED. THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

SENATOR GREELY MOVED TO AMEND PAGE 4, LINE 2 BY STRIKING "FIVE DOLLARS (\$5)" AND INSERTING IN LIEU THEREOF "FIFTEEN (\$15) DOLLARS". AFTER DISCUSSION, SENATOR GREELY WITHDREW THE MOTION. FOLLOWING FURTHER DISCUSSION, SENATOR GREELY AGAIN MADE THE MOTION INSERTING "FIFTEEN DOLLARS (\$15)" IN LIEU OF "FIVE DOLLARS (\$5)" ON PAGE 4, LINE 2. THE MOTION CARRIED ON A ROLL CALL VOTE WITH SENATOR ROBERTS VOTING NO.

SENATOR GREELY MOVED TO AMEND PAGE 37, LINE 2 AND 3, BY STRIKING THE SENTENCE: "UNLESS ALL PROVISIONS OF THIS ACT SHALL BE COMPLIED WITH THE MARRIAGE SHALL BE DEEMED INVALID". THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

SENATOR GREELY MOVED TO AMEND PAGE 33, LINE 20 and 21, BY STRIKING THE FOLLOWING LANGUAGE: "IF A COURT OF THIS STATE HAS JURISDICTION PURSUANT TO THE UNIFORM CHILD CUSTODY JURISDICTION ACT,". THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

SENATOR ROBERTS MOVED SB 5 DO PASS AS AMENDED. THE MOTION CARRIED ON A ROLL CALL VOTE WITH SENATOR TURNAGE VOTING NO.

SENATOR GREELY MOVED SB 4 DO PASS AS AMENDED AS FOLLOWS: AMEND PAGE 1, LINE 17, FOLLOWING "HUSBAND" BY STRIKING "TO" AND INSERTING IN LIEU THEREOF "AND"; AND AMEND PAGE 7, LINE 2 BY STRIKING "FINANCIALLY". THE MOTION CARRIED UNANIMOUSLY ON A ROLL CALL VOTE.

Representative Lester moved AS SO AMENDED BE
Motion carried unanimously.

O. 76 Senator Mike Greely is chief sponsor of this act revising political campaign reporting re- Chairman Huennekens stated there had been some discussing of filing of report if spend over \$500, this is Steve Brown replied that this applies to local candidates, more than \$500 they would have to file a report with of State's office. In reply to question by Chairman Steve Brown replied that he was chairman of the committee produced most of the material.

Representative Day questioned where reports to which Steve Brown replied that page 4, line 20 reports will be filed. You only file locally in the county you reside. Not filing in county in which they refer only to county attorneys. Representative Day questioned apply to carpet baggers to which Steve Brown replied no.

Representative Baeth questioned if the candidate in his district (page 1, line 13) does he have a treasurer to which Steve Brown replied no, he can name a treasurer. Joan Woodgerd stated that if you are going to a limit of expenditures you have to have a treasurer. This is a good provision.

Representative Rasmussen questioned the reason for the commissioner and how he would be appointed as a trustee in off years. (This material was covered in the bill).

Representative Lory questioned the right to sue under Section 14 on page 27. Joan Woodgerd stated provided in law now but under mandamus. The stipulation now must be during reasonable office hours.

Representative Halvorson moved to amend on page 11 striking "the same salary as a state district court judge shall receive the same salary increases awarded such judges" "an annual salary of eighteen thousand five hundred dollars" and the salary commission may recommend salary increases "thereof". She stated she feels the salary is out of line. Following discussion the motion to amend carried.

Representative Baeth moved AS SO AMENDED BE
Motion carried with Representative Seifert voting no.

O. 4 Senator Antoinette Rosell is chief sponsor of this act to change the laws relating to husbands

12/75

in order to eliminate sexual discrimination in such laws.

Representative Halvorson moved BE CONCURRED IN. very brief discussion the motion carried unanimously.

L NO. 148 Senator Roberts is chief sponsor of this act to generally revise and repeal statutes on wills, probate, and guardianship to conform Montana law to the Probate Code.

Representative Lory moved BE CONCURRED IN. Representative Seifert seconded the motion. Diana Dowling explained at the end of the last legislative session attorney Jim Eion to go through all of the codes on the books and check out and amenders.

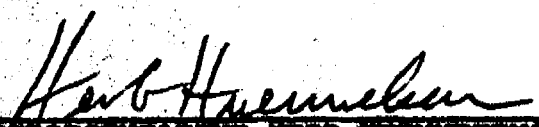
Motion BE CONCURRED IN carried unanimously.

L NO. 339 Senator Joe Roberts is chief sponsor of this act to require a judicial designation of certain offenders as persistent felony offenders for purposes of eligibility.

Representative Seifert stated that on page 2, 19, and 20 Nick Rotering had suggested giving five days. Representative Lory moved to amend on page 2, line 18 by striking and inserting "5". Motion to amend carried unanimously.

Representative Baeth moved AS SO AMENDED BE CONCURRED IN. Motion carried unanimously.

Representative Scully moved to adjourn at 9:10 p.m. carried. (Representative Scully had just arrived).



REPRESENTATIVE HERB HUENNEKENS
CHAIRMAN

IN

March 12, 1947

10 37

BY

JOSEPHINE

WITN

WITNESSES

SM No. 413

**ACT ENTITLED: "AN ACT TO CHANGE THE LAWS RELATING TO
VES IN REGARD TO THEIR MUTUAL OBLIGATIONS OF SUPPORT,
IN INDIVIDUAL PROPERTY AND THEIR ABILITY TO ACT AS
ORDER TO ELIMINATE SEXUAL DISCRIMINATION IN SUCH
SECTIONS 5-106, 16-2902, 16-2903, 36-103, 36-110
36-127 THROUGH 36-130, 61-104, AND 61-117, R.C.M.
A NEW SECTION 36-118.1, R.C.M. 1947; AND REPEALING
AND 36-121, R.C.M. 1947."**

one: That

REPEAL

SM No. 414

IN

11

THIS DOCUMENT, ORIGINAL: CLERK

CHAPTER NO. 293

AN ACT TO CHANGE THE LAWS RELATING TO HUSBANDS AND WIVES IN REGARD TO THEIR MUTUAL OBLIGATIONS OF SUPPORT, CONTROL OF THEIR INDIVIDUAL PROPERTY AND THEIR ABILITY TO ACT AS INDIVIDUALS, IN ORDER TO ELIMINATE SEXUAL DISCRIMINATION IN SUCH LAWS; AMENDING SECTIONS 5-106, 16-2902, 16-2905, 36-103, 36-110 THROUGH 36-120, 36-127 THROUGH 36-130, 61-104, AND 61-117, R.C.M. 1947; CREATING A NEW SECTION 36-118.1, R.C.M. 1947; AND REPEALING SECTIONS 36-102 AND 36-121, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 36-103, R.C.M. 1947, is amended to read as follows:

"36-103. Duties of husband and wife as to support. *Insofar as each is able, the husband and wife shall support each other out of their property and labor. As used in this section, the word "support" includes the non-monetary support provided by a spouse as homemaker."*

Section 2. Section 36-110, R.C.M. 1947, is amended to read as follows:

"36-110. Married person may prosecute actions. *A married person in his own name may prosecute action for injuries to his reputation, person, property, and character, or for the enforcement of any legal or equitable right, and may in like manner defend any action brought against himself."*

Section 3. Section 36-111, R.C.M. 1947, is amended to read as follows:

"36-111. Individual property of married person. *All the property of a married person owned before marriage and that acquired afterwards is his individual property. The married person may, without consent, agreement and signature of his spouse, convey and transfer his individual property, real or personal, including the fee simple title to real property or execute a power of attorney for the conveyance and transfer thereof."*

Section 4. Section 36-112, R.C.M. 1947, is amended to read as follows:

"36-112. Inventory of individual personal property of married person. *A married person's title to and ownership of his individual property may be proved or demonstrated in the same manner that a single person's ownership of or title to his individual property may be proved. Provided, however, that if a married person chooses, he may make out and sign an inventory of his individual personal property, which inventory shall be acknowledged or proved in the same manner required by law for the acknowledgment or proof of a grant of real property, and recorded in the office of the county clerk of the county in which the person lives."*

Section 5. Section 36-113, R.C.M. 1947, is amended to read as follows:

"36-113. Effect of filing inventory. *The filing of the inventory in the clerk's office is notice and prima facie evidence of the title of the person so filing."*

Section 6. Section 36-114, R.C.M. 1947, is amended to read as follows:

"36-114. Earnings and accumulations of married person. *The earnings and accumulations of a married person are not liable for the debts of that person's spouse except for debts incurred for necessary articles procured for the use and benefit of the married person, his spouse, or minor children."*

Section 7. Section 36-115, R.C.M. 1947, is amended to read as follows:

"36-115. Same, when separated. *The earnings and accumulations of a married person, and of his minor children living with him or in his custody, while he is living separate from his spouse, are the individual property of such person. Except that, to the extent that a mutual duty of support between the husband and wife as established by section 36-103 still exists, such earnings and accumulations are liable for debts incurred for necessary articles procured for the use and benefit of the married person, his spouse or minor children."*

Section 8. Section 36-116, R.C.M. 1947, is amended to read as follows:

"36-116. Work and labor of married person. *All work and labor performed by a married person for a person other than his spouse and children shall, unless there is a written agreement on his part to the contrary, be presumed to be performed on his separate account. This section does not affect the liability of earnings for debts incurred for necessary articles procured for the use and benefit of the married person, his spouse, or minor children, as established by sections 36-114, 36-115, 36-118, and 36-118.1."*

Section 9. Section 36-117, R.C.M. 1947, is amended to read as follows:

"36-117. Debts of spouse contracted before marriage. *The property of a married person is not liable for the debts of the person's spouse contracted before marriage."*

Section 10. Section 36-118, R.C.M. 1947, is amended to read as follows:

"36-118. Individual property of married person — how far liable. *Individual property of a married person listed in an inventory as provided in sections 36-112 and 36-113, R.C.M. 1947, or otherwise proved to be the individual property of the married person is exempt from all debts and liabilities of that person's spouse, except:*

(1) when the debt or liability is for necessary articles procured for the use and benefit of the married person, the spouse, or minor children; or

(2) when the property is in the sole and exclusive possession of the spouse and the creditors have dealt with the spouse in good faith on the credit of the individual property without knowledge that the property does not belong to the spouse."

Section 11. There is a new R.C.M. section numbered 36-118.1 that reads as follows:

36-118.1. Necessity determined by standard of living. *For purposes*

of determining whether a married person's earnings or individual property are exempt from the debts incurred by the person's spouse, the phrase "necessary articles" includes all such goods and services as are reasonably required to provide for the health, welfare, comfort, and education of the married person, his spouse, and minor children taking into consideration the earnings, resources, and general standard of living of such persons.

Section 12. Section 36-119, R.C.M. 1947, is amended to read as follows:

"36-119. Support of spouse. If a married person who is able neglects to make adequate provision for the financial support of his spouse, except in the cases mentioned in the next section, any other person may in good faith supply the spouse with articles necessary for support and recover the reasonable value thereof from the married person who has failed to provide such support."

Section 13. Section 36-120, R.C.M. 1947, is amended to read as follows:

"36-120. Married person not liable when abandoned by spouse. A married person abandoned by his spouse is not liable for the spouse's support until the spouse offers to return, unless the spouse was justified, by the person's misconduct, in abandoning him; nor is a married person liable for support of a spouse who is living separate from him by agreement, unless such support is stipulated in the agreement."

Section 14. Section 36-127, R.C.M. 1947, is amended to read as follows:

"36-127. Married person may act as personal representative, guardian, conservator, or trustee. A married person may be a personal representative, guardian, conservator, or trustee, and may bind himself and the estate he represents without any act or assent on the part of the person's spouse."

Section 15. Section 36-128, R.C.M. 1947, is amended to read as follows:

"36-128. May sue and be sued. A married person may sue and be sued in the same manner as if he were sole."

Section 16. Section 36-129, R.C.M. 1947, is amended to read as follows:

"36-129. Liable for own contracts. The contracts made by a married person, in respect to his individual property, labor, or services, shall not be binding upon the person's spouse, nor render him nor his property liable therefor; but the contracting person and that person's individual property shall be liable on such contracts in the same manner as if such person were sole."

Section 17. Section 36-130, R.C.M. 1947, is amended to read as follows:

"36-130. May make contracts. A married person may make contracts, oral or written, sealed or unsealed, and may waive or relinquish

any right or interest in any real estate, either in person or by attorney, in the same manner, to the same extent, and with the like effect as if such person were sole."

Section 18. Section 5-106, R.C.M. 1947, is amended to read as follows:

"5-106. Trust company defined — purposes for which may be formed. The term "Trust Company," when used in this act, means any corporation which is incorporated under the laws of this state for any one or more of the following purposes:

1. To receive moneys in trust, and to accumulate the same at such rates of interest as may be obtained or agreed upon, or to allow such interest thereon as may be agreed upon.

2. To accept and execute all such trusts and perform such duties of every description as may be committed to them by any person or persons whatsoever, or by any corporations, or may be committed or transferred to them by order of any of the courts of record of this state, or any other state, or of the United States.

3. To take and accept by grant, assignment, transfer, devise, or bequest, and hold any real or personal estate or trust created in accordance with the laws of this state, or any other state, or of the United States, and execute such legal trusts in regard to the same on such terms as may be declared, established, or agreed upon in regard thereto.

4. To act as agent for the investment of money for other persons or corporations, and as agents for persons and corporations for the purpose of issuing, registering, transferring, or countersigning the certificates of stock, bonds, or other evidence of debt of any corporation, association, municipality, state, or public authority as may be agreed upon.

5. To accept from and execute trusts for married persons in respect to their individual property, whether real or personal, and act as agents for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies.

6. To act as trustee, assignee, or receiver in all cases where it shall be lawful for any court of record, officer, corporation, or person to appoint a trustee, assignee, or receiver, and to be appointed a trustee, assignee, or receiver, and to be appointed, commissioned, and act as administrator of any estate, executor of any last will and testament of any deceased person, and as guardian of the person and estate of any minor or minors, or of the estate of any lunatic, imbecile, spendthrift, habitual drunkard, or other persons disqualified or unable to manage their estates.

7. To loan money upon unencumbered real estate, collateral, or personal security, and execute and issue its notes, debentures, payable at a future date, and to pledge its mortgages upon real estate and other securities as security therefor.

8. To buy and sell government, state, county, municipal, and other bonds, and all kinds of negotiable, nonnegotiable, and commercial paper, stocks, and other investment securities, buy and sell gold and silver bullion, foreign coins, bills of exchange, and foreign and domestic exchange.

9. To accept, receive, and hold money on deposit, payable either on time or on demand, with or without interest, as may be agreed upon with the depositors, and to take and receive from any individual or corporation on deposit for safekeeping and storage, gold and silver plate, jewelry, stocks, and securities, and other valuable and personal property, and to collect coupons, interest, and dividends on said above described securities, and to rent out the use of safes and other receptacles on their premises upon such terms and for such compensation as may be agreed upon."

Section 19. Section 16-2902, R.C.M. 1947, is amended to read as follows:

"16-2902. What to be recorded. He must, upon payment of his fees for the same, record, or photograph, or correctly copy, separately, in large and well-bound, or to be bound, separate books, either in a fair hand or by printing or by typewriting, or by photographic process, or by the use of prepared blank forms:

1. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved, and abstracts of such instruments which have been acknowledged or proved;
2. Certificates of births and deaths;
3. Wills devising real estate admitted to probate;
4. Official bonds;
5. Transcripts of judgments which by law are made liens upon real estate;
6. Instruments describing or relating to the *individual* property of married *persons*, and sole trader judgments;
7. All orders and decrees made by the district court in probate matters affecting real estate which are required to be recorded;
8. Notice of pre-emption claims;
9. Notice and declaration of water rights;
10. Assignments for the benefit of creditors;
11. Affidavits of annual work done on mining claims;
12. Notices of mining locations and declaratory statement;
13. Estrays and lost property;
14. A book containing appraisalment of state lands;
15. Such other writings as are required or permitted by law to be recorded; provided, nothing herein shall be construed as preventing the recording or photographing or copying of such instruments, separately, upon a single or loose page or pages of a book, if such page or pages shall immediately become a part of such book or volume, which, when com-

pleted, shall be firmly bound and the pages thereof securely locked or sealed into the volume.

Whenever the laws of the state of Montana require or permit any instrument to be recorded, such recording may be made in the manner or by any of the processes hereinbefore prescribed."

Section 20. Section 16-2905, R.C.M. 1947, is amended to read as follows:

"16-2905. Indexes to be kept. Every county clerk, as ex officio recorder, must keep:

1. An index of deeds, grants, and transfers, and contracts to sell or convey real estate, labeled "Grantors," each page divided into four columns, headed respectively: "Names of grantors," "Names of grantees," "Date of deeds, grants, transfers, or contracts," and "Where recorded";
2. An index of deeds, labeled "Grantees," each page divided into four columns, headed respectively: "Names of grantees," "Names of grantors," "Date of deeds, grants, transfers, or contracts," and "Where recorded";
3. An index of mortgages, labeled "Mortgages of real property," with the pages thereof divided into six columns, headed respectively: "Names of mortgagor," "Names of mortgagees," "Dates of mortgages," "Where recorded," "When filed," "When canceled";
4. An index of mortgages, labeled "Mortgages of real property," with the pages thereof divided into six columns, headed respectively: "Names of mortgagor," "Names of mortgagees," "Date of mortgage," "Where recorded," "When filed," "When canceled";
5. An index of mortgages, labeled "Releases of mortgages of real property—Mortgagees," with the pages thereof divided into six columns, headed respectively: "Parties whose mortgages are released," "Parties releasing," "Date of release," "Where recorded," "Date of mortgages released," "Where mortgages released are recorded."
6. An index of powers of attorney, labeled "Powers of attorney," each page divided into five columns, headed respectively: "Names of parties executing powers," "To whom powers are executed," "Date of powers," "Date of recording," "To whom powers are executed";
7. An index of leases, labeled "Leases," each page divided into four columns, headed respectively: "Names of lessors," "Names of lessees," "Date of leases," "When and where recorded";
8. An index of leases, labeled "Lessees," each page divided into four columns respectively: "Names of lessees," "Names of lessors," "Date of leases," "When and where recorded";
9. An index of marriage certificates, labeled "Marriage certificate—Men," each page divided into six columns, headed respectively: "Men married," "To whom married," "When married," "By whom married," "Where married," "Where certificates are recorded";
10. An index of marriage certificates, labeled "Marriage certificates

— Women," each page divided into six columns, headed respectively: "Women married," (and under this head placing the family names of the women), "To whom married," "When married," "By whom married," "Where married," "Where certificates are recorded";

11. An index of assignments of mortgages and leases, labeled "Assignments of mortgages and leases—Assignors," each page divided into five columns, headed respectively: "Assignors," "Assignees," "Instruments assigned," "Date of assignment," "When and where recorded";

12. An index of assignments of mortgages and leases, labeled "Assignments of mortgages and leases—Assignees," each page divided into five columns, headed respectively: "Assignees," "Assignors," "Instruments," "Date of assignments," "When and where recorded";

13. An index of wills, labeled "Wills," each page divided into four columns, headed respectively: "Names of testators," "Date of wills," "Date of probate," "When and where recorded";

14. An index of official bonds, labeled "Official bonds," each page divided into five columns, headed respectively: "Names of officers," "Names of offices," "Date of bonds," "Amount of bonds," "When and where recorded";

15. An index of notices of mechanics' liens, labeled "Mechanics' liens," each page divided into three columns, headed respectively: "Parties claiming liens," "Against whom claimed," "Notices, when filed";

16. An index to transcripts of judgments, labeled "Transcripts of judgments," each page divided into seven columns, headed respectively: "Judgment debtors," "Judgment creditors," "Amount of judgments," "Where recovered," "When recovered," "When transcript filed," "When judgment satisfied";

17. An index of attachments, labeled "Attachments," each page divided into six columns, headed respectively: "Parties against whom attachments are issued," "Parties issuing attachments," "Notices of attachments," "When filed," "When attachments discharged";

18. An index of notices of the pendency of actions, labeled "Notices of actions," each page divided into three columns, headed respectively: "Parties to actions," "Notices, when recorded," "When filed";

19. An index of certificates of sale of real estate sold under execution or under orders made in any judicial proceedings, labeled "Certificates of sale," each page divided into four columns, headed respectively: "Plaintiff," "Defendant," "Purchaser at sale," "Date of sale";

20. An index of the *individual* property of married *persons* and sole trader judgments labeled "*Individual* property of married *persons* and sole traders," each page divided into five columns, headed respectively: "Names of married *persons*," "Names of their *spouses*," "Nature of instruments recorded," "When recorded," "Where recorded";

21. An index to affidavits for annual work done on mining claims, showing the name of the affiant, the name of the claim, where situated,

and the year when the work was done, labeled "Annual work on mining claims";

22. An index of mining claims and declaratory statements, labeled "Notices of location of mining claims and declaratory statements," each page divided into four columns, headed respectively: "Locators," "Name of claim," "Notice, when filed," "Where recorded";

23. An index to the register of births and deaths;

24. An index to notices and declarations of water rights;

25. An index to the "Estray and lost property book";

26. An index to the record of assignments for the benefit of creditors, containing names of assignor and assignee, date and where recorded, and inventory when filed;

27. An index to financing statements as provided in Part 4 of the Uniform Commercial Code—Secured Transactions.

28. A miscellaneous index, in which must be indexed papers not hereinbefore stated."

Section 21. Section 61-104, R.C.M. 1947, is amended to read as follows:

"61-104. Obligations of parents for the support and education of their children. The parent *or parents* entitled to the custody of a child must give him support and education suitable to his circumstances."

Section 22. Section 61-117, R.C.M. 1947, is amended to read as follows:

"61-117. Married person not bound for the support of his spouse's children by a former marriage. A *married person* is not bound to support his *spouse's* children by a former *marriage*; but if he receives them into his family and supports them, it is presumed that he does so as a parent, and, where such is the case, they are not liable to him for their support, nor he to them for their services."

Section 23. Sections 36-102 and 36-121, R.C.M. 1947, are repealed.

Approved April 8, 1975.

CHAPTER NO. 294

AN ACT TO PROVIDE FOR A CYCLICAL PROGRAM FOR THE REVALUATION OF TAXABLE PROPERTY.

Be it enacted by the Legislature of the State of Montana:

Section 1. There is a new R.C.M. section numbered 84-429.14 that reads as follows: